

**Notice of Allowability**

Application No.

10/757,932

Applicant(s)

SALADIN ET AL.

Examiner

Krystyna Suchecki

Art Unit

2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Response filed 01/12/06.
2. ☒ The allowed claim(s) is/are 1-42.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## DETAILED ACTION

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David Arnold on April 3, 2006.

The application has been amended as follows:

In Claim 1, at line 3, delete "can" and insert therein --is configured to--

In Claim 1, at line 5, delete "plates and allowing for" and insert therein --plates,--

In Claim 1, at line 6, delete "for"

In Claim 2, at line 5, delete "can" and insert therein --is configured to--

In Claim 2, at line 7, delete "plates and allowing for" and insert therein --plates,--

In Claim 2, at line 8, delete "for"

In Claim 3, at line 4, delete "permitting the X-rays to be directed" and insert therein --directing the X-rays--

In Claim 3, at line 5, delete "can" and insert therein --is configured to--

In Claim 3, at line 7, delete "plates and allowing for" and insert therein --plates,--

In Claim 3, at line 8, delete "for"

In Claim 4, at line 5, delete "to allow" and insert therein --for--

In Claim 4, at line 6, delete "to allow" and insert therein --for--

Art Unit: 2882

In Claim 42, replace line 2 as follows: --causing a selection, continuous conveyance, and stationary--

***Allowable Subject Matter***

Claims 1-42 are allowed.

The following is an examiner's statement of reasons for allowance: claims 1, 2, 3 and 4 contain allowable subject matter for at least the reason that the prior art of record fails to teach or reasonably suggest a radiation filtering system suitable for filtering radiation, an imaging apparatus, an x-ray device, and an x-ray tube comprising at least a plurality of filtering plates of which a selected one or more of the plates is configured to be conveyed to and oriented in a stationary position for use, means for causing a selection of one or more of the plates, continuous conveyance therefor and stationary positioning thereof, the plates being fixed to the means for causing a selection by means of a joint and means for modifying an orientation of a stationary plate about its respective joint as claimed. Claim 13 contains allowable subject matter for at least the reason that the prior art of record fails to teach or reasonably suggest an x-ray tube comprising a chamber with a cathode, anode and window, an x-ray filtering system comprising a set of filtration plates held by a distributor, wherein the filtration plates are fixed to the distributor by means of a joint and further comprises a means to modify an orientation of a stationary filtration plate around its respective joint where in the mechanism further comprises a ramp as claimed.

Claims 5-12 and 14-42 contain allowable subject matter at least by virtue of their dependency.

As pointed out by Applicant, Carpenter teaches a continuous rotation of a distributor and the filters of the device are not stationary when in use. While the device of Gund has filtration plates affixed to one another by joints, the means for selection comprise a toothed gear wheel, and the joints themselves do not fix the filtration plates to the means for causing. A tension holds the plates to the device.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krystyna Suchecki whose telephone number is (571) 272-2495. The examiner can normally be reached on M-F, 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Glick can be reached on (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
EDWARD J. GLICK  
SUPERVISORY PATENT EXAMINER

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